

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

ELLIOTT INDUSTRIES LIMITED
PARTNERSHIP, a New Mexico
Limited Partnership,

Plaintiff,

vs.

Civ. No. 00-655 JC/WWD (ACE)

CONOCO INC., a Delaware
corporation, AMOCO PRODUCTION
COMPANY a Delaware corporation,
and AMOCO ENERGY TRADING
CORP., a Delaware corporation,

Defendants.

MEMORANDUM OPINION AND ORDER

This matter comes before the Court upon Plaintiff's Motion to Compel Production of Documents and Deposition Relating to the April 19 Letter to Royalty Owners and for Expedited Briefing [docket #384] filed June 24, 2002. The motion seeks an order compelling immediate production of information requested in Plaintiff's Third Set of Interrogatories and Sixth [Sic., Seventh] Request for Production of Documents and compelling Amoco to designate and present a witness to testify pursuant to Rule 30(b)(6) regarding the April 19, 2002, letter. Plaintiff failed to comply with the provisions of D.N.M. LR-Civ. 37.1 in that it did not furnish copies of the Third Set of Interrogatories and the Sixth [Sic., Seventh] Request for Production of Documents ; therefore, the motion to compel with respect to that discovery shall be DENIED.

By the wording of the motion to compel, Plaintiff seeks an order seeking “compelling Amoco to designate and present a witness to testify pursuant to Rule 30(b)(6) regarding April 19th letter within seven days following the document production,” Page 2 of Motion to Compel Production [etc.]. The proposed deposition was to based on the sought document production which is not being required; consequently, compelling Amoco to designate the Rule 30(b)(6) witness would most likely be unproductive.

WHEREFORE,

IT IS ORDERED that Plaintiff’s Motion to Compel Production of Documents and Deposition Relating to the April 19 Letter to Royalty Owners and for Expedited Briefing [docket #384] be, and it is hereby, **DENIED**.


UNITED STATES MAGISTRATE JUDGE